LGBTQI community have problems with the bill

Why in News?

The Transgender Persons (Protection of Rights) Bill, 2019 was passed in the Rajya Sabha recently. To know the provisions of the bill, click here.

What is the story behind?

- The Act's long history traces back to the judgment in National Legal Services Authority (NALSA) vs. Union of India 2014.
- This judgment directed the Centre and State to grant legal recognition for the third gender.
- It also asked them to ensure that there is no discrimination against them and construct specific social welfare programmes.
- The Act arose out of a Bill that was passed in the Lok Sabha in August 2019.
- This bill seeks to ensure the fundamental rights of those who do not conform to the binary notions of gender identity.
- But it has disappointed the community.

How is the Act progressive and regressive at the same time?

- The Act is progressive in that it allows self perception of gender identity.
- But it regresses by mandating that each person would have to be recognised as 'transgender' on the basis of a certificate of identity issued by a district magistrate.
- With this move, it rejected the recommendation from the 2016 Standing Committee to have a screening committee.
- There are no avenues open either for appeal in the event a magistrate refuses to hand out such a certificate.

What are the problems with the bill?

- **India's LGBTQI community** - They had problems with the Bill's basics - right from the nomenclature.
- It argued that calling it a 'Transgender Persons' Bill wouldn't give adequate play to the diversity the non-binaries included.
- Instead, it calls for a more broad-based definition.
- **Activists** - Criticized the bill for its narrow understanding of gender identities and for offering inadequate mainstreaming opportunities.

- They are unhappy with the silence on unnecessary and non-consensual sex selective or reassignment surgeries.
- They had a plea that these surgeries be made an offence.
- Elaborate detailing of the anti-discriminatory clause in the Bill might have gone a long way in ensuring implementation and legal recourse.
- With the Bill becoming law, unaltered in any significant form, in the face of such strident opposition, the community is seething at being ignored.

What is a positive thing in this bill?

- The community's only hope is the National Council for Transgender Persons.
- The Council is supposed to provide the institutional framework for implementing the Act.
- It might allow more latitude for incorporating genuine demands.

Source: The Hindu

